

JAMES R. MCGUIRE (CA SBN 189275)  
JMcGuire@mofo.com  
ANGELA E. KLEINE (CA SBN 255643)  
AKleine@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

Attorneys for Defendant  
U.S. Bank National Association

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Indiezone, Inc., a Delaware corporation, and  
EoBuy, Limited an Irish private limited  
company,

*Plaintiffs,*

vs.

Todd Rooke, Joe Rogness, Phil Hazel, Sam  
Ashkar, Holly Oliver and U.S. Bank,  
collectively the *RICO Defendants*;

Jingit LLC., Jingit Holdings LLC., Jingit  
Financial, Services LLC., Music.Me, LLC.,  
Tony Abena, John E. Fleming, Dan Frawley,  
Dave Moorehouse II, Chris Ohlsen, Justin  
James, Shannon Davis, Chris Karls in their  
capacities as officers, agents and/or employees  
of the Jingit LLC., *Defendants in Negligence,  
and Aiding/ Abetting*;

Wal-Mart, General Electric, Target, DOE(s)  
and ROE(s) 1 through 10, *Defendants in  
Negligence Secondary-Vicarious  
Infringement*,

*Defendants.*

Case No. 3:13-cv-04280-VC

**DEFENDANT U.S. BANK NATIONAL  
ASSOCIATION'S OPPOSITION TO  
PLAINTIFFS' (1) SECOND MOTION  
TO AMEND THEIR SUMMONS AND  
COMPLAINT AND (2) MOTION  
"REQUESTING AN ENLARGEMENT  
OF TIME TO SUBMIT A CORRECTED  
RESPONSE AND/OR RENEW THEIR  
RESPONSE TO THE DEFENDANTS'  
MOTIONS TO COMPEL  
ARBITRATION, DISMISS OR STAY  
THE PROCEEDINGS"**

Honorable Vince Chhabria

Date: June 5, 2014  
Time: 1:30 p.m.  
Place: Courtroom 4, 17th Floor

U.S. Bank hereby joins and incorporates by reference, as if fully set forth herein, the Jingit Defendants<sup>1</sup> Responses (ECF Nos. 94, 95, 97) to (1) Plaintiffs' Second Motion to Amend Their Summons and Complaint (ECF No. 90) and (2) Plaintiffs' Motion "Requesting An Enlargement Of Time To Submit A Corrected Response And/Or Renew Their Response To The Defendants' Motions To Compel Arbitration, Dismiss Or Stay The Proceedings" (ECF No. 91), and the Jingit Defendants' arguments and supporting affidavits made thereto, in opposing plaintiffs' motions on the grounds that plaintiffs' request for another enlargement of time is procedurally improper and untimely and plaintiffs' second proposed amendment to their complaint would be futile.

Dated: April 23, 2014

JAMES R. MCGUIRE  
ANGELA E. KLEINE  
MORRISON & FOERSTER LLP

By: /s/ Angela E. Kleine  
Angela E. Kleine

Attorneys for Defendant  
U.S. Bank National Association

sf-3409833

---

<sup>1</sup> The "Jingit Defendants" are defined as the defendants Jingit, LLC, Jingit Holdings, LLC, Jingit Financial Services, LLC, Sam Ashkar, Phil Hazel, Holly Oliver, Shannon Davis, Justin James, Chris Ohlsen, Dan Frawley, Dave Moorehouse II, Tony Abena, Chris Karls, John E. Fleming, and Music.Me, LLC, Todd Rooke, and Joe Rogness.